

Council Meeting
December 14, 2010
Chancellor Center

President Julia Woldorf called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, December 14, 2010. Ms. Woldorf asked those in attendance to join her in a moment of silence followed by the Pledge of Allegiance.

Present: Councillors Burke, O'Malley, Sellers, Walker, Warren and Woldorf; and Solicitor Paul Cohen. Mayor O'Brien was excused.

Police Report – Perry Warren

Police Report for November

In the absence of Mayor O'Brien, Councilor Warren presented the Police Report. A Newtown Borough officer participated in a joint drug take-back program with officers from Newtown Township and a DUI detail was conducted with several traffic citations issued.

Special Events Reminder:

- ✓ First Night Newtown – December 31, 2010

Councilor Burke read a note of thanks from the Chairman of the 2010 Holiday Parade Committee, Tina Leck, to all the volunteers who made the parade such a great success and to the Newtown Borough and Newtown Township Police Departments for their participation in the event. Over 1200 individuals participated in this parade.

Amendments to the Agenda

Councilor O'Malley asked that a short report from the Long Term Parking Committee be added to the agenda.

Ms. Woldorf added to the agenda discussion of the Bucks County Planning Commission's review of the Traditional Neighborhood Development ordinance modifications. She also added that a brief executive session would be held following the meeting to discuss personnel.

President's Report – Julia Woldorf

Ms. Woldorf recognized the individuals responsible for putting up the holiday decorations on State Street and thanked them for volunteering their time.

Ms. Woldorf read a prepared statement listing the accomplishments of the Council during the past year and commending the Council for its many achievements in 2010, which she felt would provide a sound foundation for the year to come.

Correspondence

Ms. Woldorf received a letter from the Pennsylvania Department of Environmental Protection informing the Borough that the Neshaminy Creek Watershed Stormwater Management Plan Phase II had been adopted and the Borough must update their plan within six months to be in compliance.

The Delaware Valley Regional Planning Commission is asking for input on their transportation plan. Ms. Woldorf referred the letter to Councilor O'Malley and the Traffic Committee.

Correspondence was received from the Pennsylvania TEC, the group advocating for reactivation of the Newtown R-8 train line. Ms. Woldorf will forward the letter to Council.

Karen Thompson of the *Keep Pennsylvania Beautiful* program contacted Ms. Woldorf regarding potential illegal dumping in the Borough and recommendations the group is making.

Public to be Heard

No one wished to be heard at this time.

Certificates of Appropriateness

COA 2010-048-H Applicant: Gasper Landscapes, Inc., 242 S. Chancellor Street, King residence

The applicant was seeking a Certificate of Appropriateness for the installation of a cedar pergola and stone retaining wall.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Warren, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign Certificate of Appropriateness 2010-048-H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2010-049-H Applicant: 5 South State Street Enterprises, Inc., 5-11 S. State Street, Temperance House

The applicant was seeking a Certificate of Appropriateness for the installation of Azek fascia & trim; and installation of new Hardiplank siding. The chimney reconstruction and replacement of wood dormer window sills were removed from HARB's review, as these items were replaced in-kind by the applicant.

Mr. Allan Toadvine, representing the Temperance House, wanted Council to reconsider HARB's denial and permit the use of the Azek and Hardiplank materials. Chairman McAuliffe noted that the Temperance House is one of the most historic buildings in Newtown and although new materials may sometimes be approved for additions, HARB has been consistent in not approving them for existing structures. After lengthy discussion among the Council members and input from Mr. Toadvine regarding the use of alternate materials, Council made the following motion:

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Sellers, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and deny the use of Hardiplank and Azek in all instances and noting that HARB has approved the use of Hardiplank on additions but not on original buildings. The HARB Board recommended that original materials should have been repaired first and, if required, replaced in-kind. The remediation is to replace with in-kind materials.

COA 2010-050-H Applicant: Charis Hughes, 24 N. State Street, Shoe Priorities

The applicant was seeking a Certificate of Appropriateness for the installation of an awning sign.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Warren, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign Certificate of Appropriateness 2010-050-H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer noting that the font will match the font on the *Priorities for Her* awning, as pictured in the photograph submitted on November 17, 2010.

COA 2010-052-H Applicant: Deborah Richman, 16 S. State Street, Medestics

The applicant was seeking a Certificate of Appropriateness for the installation of two directory sign insert plaques.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Warren, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign Certificate of Appropriateness 2010-052-H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

Traditional Neighborhood Development Ordinance Modifications

A letter was received from the Bucks County Planning Commission with their second review of the Traditional Neighborhood Development (TND) Ordinance Modifications. Ms. Woldorf suggested sending the review back to the Newtown Borough Planning Commission to receive their response to the comments. Mr. O'Malley suggested having the Planning Commission make a presentation to Council and the public regarding the changes that have been made.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to send the Bucks County Planning Commission's TND review to the Newtown Borough Planning Commission for their comments.

Frost Lane Project Invoice Approval – Michael Sellers

Mr. Sellers reported on the Frost Lane project and noted that the Engineer approved work on the current phase and recommended payment #2 in connection with the project. Ms. Woldorf reminded Council that the Borough's portion is half of the total amount, but Council must authorize the entire release because it is a joint project with Newtown Township.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to authorize Payment #2 in connection with the Frost Lane project with Newtown Township in the amount of \$112,983.00 for work completed.

Ms. Woldorf reported that the Borough has been asked by the Township to agree to the release of funds for completion of the project and enter into a maintenance period. Since the specific details were not available, it was agreed to postpone the approval until January.

Presentation of Minutes

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried with Councilor Woldorf abstaining, to approve the minutes of the November 3, 2010, Work Session Meeting.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to approve the November 8, 2010, Council Meeting.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to approve the October 21, 2010 Special meeting minutes.

COMMITTEE REPORTS

Budget & Finance – Gerard O’Malley and Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councilor O’Malley, seconded by Councilor Walker, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of November 2010 totaling \$192,316.56.

Year 2011 Budget

Mr. O’Malley said that the budget was crafted with a considered approach to keep expenses in line and noted that there is no major road project planned for 2011.

- ❖ A motion was duly made by Councilor O’Malley, seconded by Councilor Sellers, and carried with Councilors Burke and Walker voting nay, to approve the Year 2011 Proposed Budget totaling \$2,523,459.00.

Year 2011 Tax Rate Ordinance

- ❖ A motion was duly made by Councilor O’Malley, seconded by Councilor Warren, and carried with Councilors Burke and Walker voting nay, to approve Ordinance #708 setting the Tax Rate for 2011 as follows: General Fund 4 mills; Lighting Fund .50 Mills; Fire Tax Fund .875 Mills; Street Improvement Fund .625 Mills; Earned Income Tax @ 1%; Realty Transfer Tax @ 1%; and Local Services Tax @ \$52.00.

Year 2011 Tax Ordinance Fixing Salaries

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to adopt Ordinance #709 Fixing Salaries and other compensation for elected tax collector, auditor and Council appointees for Year 2011.

Mr. Sellers referenced the previous month's budget discussion regarding a proposed tax increase that would amount to \$86-90 in additional tax. During the course of that discussion, Ms. Woldorf had suggested that instead of a tax increase, the tax savings could be spent locally to support Borough businesses. Although concerned about burdening the residents with a tax increase, Mr. Sellers agreed with Ms. Woldorf and noted the "3/50 project" flyer found in some Borough businesses shows that of each \$100 spent in a local business \$68 remains in the community through taxes, payroll and expenditures.

Long Term Parking – Gerard O'Malley

Mr. O'Malley announced that the Long Term Parking Committee would be holding a meeting on January 12, 2011, at 7 P.M. to discuss a proposal regarding residential parking permits in the Centre Avenue, Court and Penn Street areas and make a recommendation to Council. Anyone potentially affected and who would like to have his/her voice heard, should plan on attending the meeting.

Newtown Creek Coalition – Michael Sellers

Mr. Sellers wanted to recognize PennDOT for repairing and maintaining the Centre Street Bridge. The PennDOT crews have been restoring and re-pointing the North face of the bridge. The arches on the South face will be re-pointed next spring, in addition to restoration work. The pedestrian walkway has been extended and repaired and painting has been completed.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to authorize the President of Council to send a letter to the PennDOT superintendent thanking him for their work on the Centre Street Bridge.

Personnel Committee – Perry Warren

Mr. Warren announced that there are numerous openings on various boards and committees. There is one opening on the Building Code of Appeals, one opening on the Environmental Advisory Council, two openings on the Historic Architectural Review Board, two openings on the Planning Commission, three openings on the Newtown Corporation, one opening on the Shade Tree Commission and there is still an opening for a Grants Facilitator. The deadline for acceptance of applications is January 3, 2011. Mr. Warren will provide Council with copies of the applications as much in advance as possible.

Streets, Lights and Properties – Michael Sellers

Mr. Sellers reported that the Pickering Field usage generated much discussion and concluded with an agreement for use of the field. The first season under the new agreement recently ended and Mr. Sellers proposed meeting with the neighbors and League representatives in late January to review the season and have dialogue to resolve any outstanding issues.

Mr. Sellers is awaiting additional bids on the installation of a generator for the police station and further review will take place at the January meeting.

Solicitor's Report – Paul Cohen

Approval of the 2011 Fee Schedule would essentially be adopting the 2010 Fee Schedule with several additions.

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Warren, and carried unanimously, to authorize the Solicitor to advertise the 2011 Fee Schedule.

Solicitor Cohen explained that the proposed changes to the Sub-Division and Land Development Ordinance include a provision regarding the removal of protected trees and woodlands. A fee-in-lieu would be established for the removal of trees.

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to authorize the Solicitor to advertise the revised Sub-Division and Land Development Ordinance (SALDO) modifying the definition of woodlands and creating a Fee-in-Lieu for the removal of protected trees and woodlands.

Mr. Cohen noted for the record that because this is a modification to the SALDO ordinance it requires specific advertising. It has already been reviewed by both the Newtown Borough Planning Commission and the Bucks County Planning Commission, so it does not have to return to either of those entities for additional review.

Mr. Cohen discussed the proposed changes to the Parking Permit Ordinance, which would include expansion of the eligibility to obtain an all-day parking permit, so that it would not be limited to only one permit per entity/business and the number of permits would be established by Borough Council and issued on an annual basis, rather than on a six month basis. Chief Wojciechowski suggested limiting the number of permits an individual business could purchase. Council discussed the total number of permits they wished to make available and Ms. Woldorf suggested allowing no more than four permits per entity. Mr. O'Malley felt that any request for additional permits by any one business should be approved by Council. Resident and business owner Dave Callahan agreed with the 4-5 permit limitation, but felt that further discussion by the Long Term Parking Committee should take place, and additionally, he felt that allowing parking behind "10 Centre" should also be considered. Discussion will continue after a recommendation from the Long Term Parking Committee.

A noise ordinance draft was circulated by the Solicitor and will be discussed at the January Work Session.

Mr. Sellers reminded Council of Allan Smith's offer to allow the Borough to use his property behind "10 Centre" for additional parking and the Solicitor will contact Mr. Smith to formalize his offer.

Old Business

Mr. Burke reminded Council of decisions made at the December Work Session regarding Linton Park, which included purchase and replacement of equipment in The Peaceable Kingdom Tot Lot and removal of the small tire and swing set in January. An arch climber was purchased for the Brian S. Gregg Memorial Park to replace an existing climber and the equipment for both parks will be installed at the same time.

Mr. Walker asked Mr. Sellers the status of the Newtown Creek Coalition. It was under the umbrella of the Newtown Corporation when it was created, but because of potential liability concerns, it no longer falls under their jurisdiction. Mr. Sellers explained that the Newtown Creek Coalition is in the process of obtaining non-profit 501(3)c status, which will give the group the ability to obtain liability insurance and do those things that non-profit organizations do.

Mr. Warren reported that the scheduled meeting with representatives of the Newtown Corporation was postponed and will be re-scheduled in January.

Mr. Warren met with representatives of Friends Boarding Home to discuss their annual donation in-lieu-of-taxes to the Borough. He reported that they were not receptive to the suggestion of increasing their donation at this time.

With regard to the Newtown Corporation, Mr. Sellers raised the issue of costs incurred by the Borough for police protection during the Holiday Parade. Those costs were approximately \$640 and although the original event approval waived the fees, Mr. Sellers felt that the new group that took over the parade, the Newtown Corporation, has sufficient funds to reimburse the Borough for the expense. Mr. Walker suggested checking with Chief Wojciechowski or Mayor O'Brien to confirm whether the fee had been waived when the application was submitted. Ms. Woldorf suggested requesting that the Newtown Corporation make a donation in the amount of the police services to cover the costs.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried with Councilor Walker voting nay, to send the invoice and accompanying letter from Council President to the Newtown Corporation requesting reimbursement of the police costs for the parade.

New Business

There was no new business.

Public to be Heard

There was no one who wished to be heard at this time.

Council entered into a brief Executive Session.

The meeting reconvened and adjourned at 9:50 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Warren Woldorf
Jeff Werner
Jim McAuliffe
Bruce Richman
Allan Toadvine
Charis Hughes
Ted Schmidt
Robert King
Dave Callahan

440 Washington Avenue
The Advance
545 E. Centre Ave.
16 S. State St.
5-11 S. State St.
24 N. State St.

242 S. Chancellor St.
113 Court St.